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Bernadette B. Fahey
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October 9, 2002
Date

Att. Dkt. No. - REG 710B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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Applicants: Yuping, Xia, et al.

U.S. Serial No.: 09/773,877

Examiner: R. S. Landsman

Filing Date: January 31, 2001

Group Art Unit: 1647

Title: METHODS OF TREATING INFLAMMATORY SKIN DISEASES

#12
J.G.J
10/28/02

October 9, 2002

Commissioner of Patents and Trademarks
United States Patent and Trademark Office
Washington, DC 20231

SIR:

RESPONSE TO THE SEPTEMBER 3, 2002, RESTRICTION REQUIREMENT AND THE
SEPTEMBER 30, 2002 INTERVIEW SUMMARY AND REQUEST FOR A ONE (1)
MONTH EXTENSION OF TIME UNDER 37 CFR §1.136(a)

This paper is submitted in connection with the above-identified U.S. Patent Application and is responsive to the Restriction Requirement that was mailed by the United States Patent and Trademark Office on September 3, 2002, and the Interview Summary that was mailed by the United States Patent and Trademark Office on September 30, 2002. A response to the September 3, 2002, Restriction Requirement was due on October 3, 2002. Applicants hereby request a one (1) month extension of time, from October 3, 2002, to and including November 3, 2002. The fee for a one-month extension of time is \$110.00 and authorization is hereby given to charge the fee to Deposit Account No. 18-0650. With a one-month extension of time, a response to the Office Action is due on November 3, 2002, and as such this response is being timely filed.

Detailed Response

Disposition of the Claims

Claims 1-37 are currently pending in the application and are the subject of a Restriction Requirement.

Restriction

In the Restriction Requirement mailed by the USPTO on September 3, 2002, the Examiner identified the claims in Group II as claims 2, and 8-12. Agent Palladino called the Examiner on September 12, 2002 to inquire as to whether the Examiner meant to identify Group II as consisting of claims 31-37. The Examiner agreed that that was his intention and subsequently issued an Interview Summary on September 30, 2002, clarifying the Restriction Requirement as follows: Group I, consisting of claims 1-30, drawn to methods of treating psoriasis or diseases associated with psoriasis, and Group II, consisting of claims 31-37, drawn to a method of enhancing wound healing using a VEGF antagonist.

Election

Applicants hereby provisionally elect Group I, consisting of claims 1-30, and respectfully traverse the Restriction Requirement as follows.

With respect to Groups I-II, Applicants contend that it would not be a serious burden on the Examiner to search the Groups together. A search of the literature for the methods of Group I would be nearly identical to the search performed for Group II as each group shares the central requirement for a VEGF antagonist and would, therefore, necessarily turn up references relevant to both groups. Applicants respectfully contend that restriction of claims 1-37 into two Groups is not proper and request that the Examiner reconsider and withdraw the Restriction Requirement. Applicants believe that because all of the claims are so closely related, they should remain in the same application to preserve unity.

Att. Docket No. REG 7105
USSN 09/773,877
Yuping Xia, et al.
Response To September 3, 2002, Restriction Requirement

Applicants reserve the right to file a divisional application for the claimed subject matter of Group II and do not waive any rights or abandon any subject matter in the non-elected claims of Group II.

No fee is deemed necessary in connection with filing this paper. However, if any fee is necessary, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 18-0650.

Respectfully submitted,

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